

REMARKS

STATUS OF THE CLAIMS

Claims 1-23 are pending in the application.

Claim 23 was objected to for lack of antecedent basis.

Claims 1-23 have been rejected.

Claim 23 is amended, and, thus, claims 1-23 remain pending for reconsideration, which is respectfully requested.

No new matter has been added in this Amendment.

REJECTIONS

The following remarks are respectfully submitted and reconsideration of the claims is respectfully requested, because it is believed that the remarks clarify the patentably distinguishing features of the present invention over the newly cited relied upon reference Link to place the application in condition for allowance.

The independent claims are 1, 4, 7, 8, 11, 12, 15, 16 and 19.

INDEPENDENT CLAIMS 1, 4, 8, 12 AND 16

Claims 1, 3-5, 8-10, 12, 13, 22 and 23 are rejected under 35 USC 103(a) as being unpatentable over Haumont (US 2001/0019951) in view of Link (US Patent No. 6,731,926). Link is newly cited, and, thus, newly relied upon. Page 5, item 4, of the Office Action.

Claims 16-17 are rejected under 35 USC 102(e) as being anticipated by Haumont. Page 4, item 3, of the Office Action.

Dependent claims 2, 6, 14 are rejected under 35 USC 103(a) as being unpatentable over Haumont in view of Link and further in view of Ripley (US Patent No. 6,453,021).

Dependent claim 18 is rejected under 35 USC 103(a) as being unpatentable over Haumont in view of Ripley.

Therefore, independent claims 1, 4, 8, 12, and 16 are rejected over Haumont and Link. Link fails to disclose or suggest the claimed present invention's, "***a packet-switched-data network between the portable wireless telephone and the resource database,***" and "***a***

packet-switched-data network between the resource database and the message storage system," (i.e., a *packet-switched-data network channel resource database* for a portable wireless telephone message storage system), as recited in independent claims 1, 4, 8, 12 and 16.

Link discusses a system and method for delivering an MWI message to a wireless system, so that a Mobile Telephone Switching Office (MTSO) of the wireless system can recognize the MWI message and correspondingly activate an MWI on a wireless device (e.g., a wireless telephone) (column 5, lines 49-53). In particular, Link provides, "a messaging service provider, which is in communication with a wireline network through a central office, to send an MWI message through the central office and to a wireless device as part of an integrated voicemail messaging service (Abstract and FIGS. 2 and 3 of Link).

The Office Action in page 6 relies on column 4, lines 27-36 and column 7, lines 36-45, which discusses for FIG. 2 that the connection between the voicemail platform of messaging service provider 208 and central office 210 can be TCP/IP. Also, Link, column 7, lines 36-45 provides for FIG. 3 that the MWI processor 350 receives the ReportEventMessageAvailable message through SS7-ISUP signaling and converting the message from a wireline TCAP format to a format compatible with a wireless network, such as analog, CDMA, TDMA, or GSM. Therefore, the Office Action alleges that Link discloses that a communication channel between the central office 310 (210) and the MWI processor 350 and a communication channel between the MWI processor 350 and the MTSO 314 can be a packet-switched network.

First, Link in column 4, lines 27-36 is limited to discussing a possible communication channel between the messaging service provider 208 (308) and the central office 210 (310), but fails to disclose or suggest that a communication channel between the central office 310 and the MTSO 314 or between the MWI processor 350 and the MTSO 314 is a "*packet-switched-data network*" channel. In other words, Link fails to disclose or suggest that the wireless telephone 122 establishes a packet-switched-data network channel with the MWI processor 350 of FIG. 3 or the central office 310. Link's FIG. 3 teaches away from the claimed present invention, because in the prior art, MTSO 314 establishes a circuit-switched telephone network connection with the messaging service provider 308 to perform phone messaging.

Second, Link's column 8, lines 6-15, column 9, lines 44-52 and FIG. 6 discuss Home Location Register (HLR) of the MTSO 600 (314), used to deliver an MWI message to wireless

devices. In FIG. 6 of Link, the Home Location Register 602 is in communication with the MWI processor 610 (350). However, it is readily apparent that Link fails to disclose or suggest an enabling disclosure regarding a type of a communication channel among the Home Location Register 602 of the MTSO 600 (314), the mobile switching center 606, the messaging service provider 308, and the MWI processor 610 (350). In other words, Link fails to contemplate FIG. 2 system of the present Application, as claimed in independent claims 1, 4, 8, 12 and 16, “**a packet-switched-data network between the portable wireless telephone and the resource database**,” and “**a packet-switched-data network between the resource database and the message storage system**,” (i.e., **a packet-switched-data network channel resource database** for a portable wireless telephone message storage system).

Third, Link’s column 10, line 57 to column 11, line 3, discusses the MWI processor 350 delivering the MWI to GSM-enabled wireless devices using a Short Message Service Center (SMSC) rather than an HLR of a MTSO. In particular, the MWI processor 350 generates a message addressed to the IP address of the SMSC using Short Message Peer-to-Peer (SMPP) protocol and then the SMSC generates an SS7 message and delivers the SS7 message to the wireless telephone (column 11, lines 4-22). However, this Link discussion fails to disclose or suggest the claimed present invention’s, “**a packet-switched-data network between the portable wireless telephone and the resource database**,” and “**a packet-switched-data network between the resource database and the message storage system**,” (i.e., **a packet-switched-data network channel resource database** for a portable wireless telephone message storage system), as recited in independent claims 1, 4, 8, 12 and 16. In other words, the SMSC does not establish a packet-switched-data network channel with the mobile phone or with the message storage system, because the SMSC generates and delivers an SS7 message to the wireless telephone, which differs from the claimed present invention’s, “**a packet-switched-data network between the portable wireless telephone and the resource database**.”

Therefore, Link fails to disclose or suggest a packet-switched-data network channel between MTSO 314 and the MWI processor 350. Even if the MWI processor 350 is implemented in the MTSO 314 (column 7, lines 23-32), Link’s FIG. 6 fails to disclose or suggest a packet-switched-data network channel between the HLR 602 and the messaging service provider 308 or between the HLR 602 and the mobile switching center 606, because Link is

silent on any details of the MTSO 600. Link fails to disclose or suggest the claimed present invention's, "**receiving in the portable wireless telephone, according to a packet-switched-data network application layer data transfer protocol, message service information from a resource database via a packet-switched-data network between the portable wireless telephone and the resource database**" (e.g., independent claim 1, 4, 8, 12 and 16).

Further, Haumont fails to disclose or suggest independent claims 1, 4, 8, 12 and 16, because Haumont fails to enable the adapting means 38 and 26 of the voice mail server 10 and the mobile station 30, respectively, to provide the claimed present invention's, "**packet-switched-data network application layer data transfer protocol**." Haumont only describes that the adapting means 38 and 26 include a packetizing means for packetizing a voice mail message into data packets suitable for packet-switched transmission (Haumont's paragraph 38), but fails to disclose or suggest an "**application layer data transfer protocol**" for the "**packet-switched-data network**."

Therefore, it is readily apparent that at least independent claims 1, 4, 8, 12 and 16 are patentably distinguishing over Haumont and Link, because Haumont and Link fail to disclose or suggest the FIG. 2 system of the present invention as claimed in independent claims 1, 4, 8, 12 and 16. Further, Haumont and Link fail to disclose or suggest independent claims 7, 11, 15 and 19, because Haumont and Link fails to disclose or suggest the claimed present invention's, "**application layer subscriber message processing protocol messages on the packet-switched-data network**."

7. (PREVIOUSLY PRESENTED) A process, comprising:

controlling from a portable wireless telephone, which allows a voice communication via a telephone network, **processing of a voice message** on a voice message storage system using a packet-switched-network with the voice message storage system and **according to application layer subscriber message processing protocol messages on the packet-switched-data network**.

INDEPENDENT CLAIMS 7, 11, 15 and 19

The Examiner also maintains the rejection of claims 7, 11, 15 and 19-21 as being anticipated by Bowater (US Patent No. 6,282,269) under 35 USC 102(e). Page 3, item 2, of the Office Action.

However, Bowater cannot anticipate independent claims 7, 11, 15 and 19, because contrary to the Office Action allegation, Bowater's column 7, lines 1-3, which discloses "There are various compression/decompression techniques that are available for audio communication over the Internet. The preferred embodiment uses a modified version of GSM, which is the standard compression technique used in Europe for cellular phones, to provide voice compression," does not disclose or suggest anywhere a "**portable wireless telephone**" to connect to the Internet. Bowater, in FIGS. 3 and 6, clearly discloses a WebTalker telephone 620 in client 1, which is software executing on a computer (and not a "**portable wireless telephone**") connected to the Internet, providing voice over IP. Bowater, column 6, lines 8-10, discloses, "FIG. 3 is a ... diagram of a client computer system which may be used for telephone transmission over the Internet." Bowater, column 7, lines 12-15, discloses, "In order to operate as an Internet telephone, the computer system of FIG. 3 must contain appropriate application software. In the preferred embodiment, this application software is called WebTalker, and provides a user interface as shown in FIG. 5." Therefore, Bowater does not disclose or suggest anywhere that WebTalker is a "**portable wireless telephone**" that connects to the Internet to provide voice over IP. Further, Applicant asserts that Bowater was filed in 1996 before WiFi so no one connected to the Internet via wireless links.

It is readily apparent that in contrast to Bowater, independent claims 7, 11, 15 and 19 enable "controlling from a portable wireless telephone, which allows a voice communication via a telephone network, **processing of a voice message** on a voice message storage system using a packet-switched-network with the voice message storage system and **according to application layer subscriber message processing protocol messages on the packet-switched-data network**" (e.g., independent claim 7).

DEPENDENT CLAIMS

Dependent claim 23 is objected to for insufficient antecedent basis as indicated in page 2 of the Office Action. Dependent claim 23 is amended to overcome the objection, and antecedent support for the expression “in response to the querying from the resource database by the portable wireless telephone,” is provided in independent claim 8, “**querying** according to a packet-switched-data network application layer data transfer protocol, address of a recipient-subscriber message storage system **from a resource database via a packet-switched-data network between the portable wireless telephone and the resource database.**”

Dependent claims 23 is rejected over Haumont in page 7 of the Office Action.

In contrast to Haumont, dependent claim 23 provides:

23. (CURRENTLY AMENDED) The process according to claim 8, further comprising:

transmitting, by the resource database, to the recipient-subscriber message storage system, a query for the packet-switched-data network address of the recipient-subscriber message storage system, in response to the querying from the resource database by the portable wireless telephone, according to a packet-switched-data network application layer data transfer protocol via a packet-switched-data network between the resource database and the recipient-subscriber message storage system.

Support for claim 23 can be found, for example, in FIG. 3 and paragraph 40 of the present Application.

Further, the dependent claims are patentably distinguishing over the relied upon references at least due to their dependencies from the independent claims.

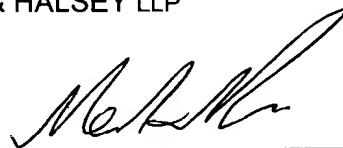
CONCLUSION

In view of the foregoing remarks, withdrawal of the rejections of pending claims and allowance of pending claims is respectfully requested.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
STAAS & HALSEY LLP

Date: September 16, 2005

By: 
Mehdi Sheikerz
Registration No. 41,307

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501